

Brian N. Lathen, OSB No. 043374
blathen@slamlaw.com
3040 Commercial Street S.E.
Suite 200
Salem, OR 97302
Telephone: (503)581-2421
Facsimile: (503)588-7179
*Attorney for Plaintiff Mark A. Meleason, P/R
Of the Estate of Marganne M. Allen, Dec'd.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

MARK A. MELEASON Personal
Representative of the Estate of
MARGANNE M. ALLEN, Deceased.

Case No.: 6:25-cv-00232-MTK

Plaintiff,

PLAINTIFF'S MOTION FOR PARTIAL
VOLUNTARY DISMISSAL OF STATE
DEFENDANTS

v.

**UNITED STATES OF AMERICA,
SAMUEL TROY LANDIS, DRUG
ENFORCEMENT ADMINISTRATION
(DEA), SALEM POLICE DEPARTMENT,
CITY OF SALEM, STATE OF OREGON,
OREGON STATE POLICE and OREGON
DEPARTMENT OF JUSTICE**

Defendants

////

Page | 1 PLAINTIFF'S MOTION FOR PARTIAL VOLUNTARY DISMISSAL

Swanson, Lathen, Prestwich, P.C.
3040 Commercial St. SE Suite 200, Salem, OR 97302
(503)581.2421

BACKGROUND

Plaintiff filed the Complaint in this case on February 12, 2025. Defendants State of Oregon, Oregon State Police, and the Oregon Department of Justice (“State Defendants”) jointly moved to dismiss Plaintiff’s claims on March 14, 2025. The Motion to Dismiss was State Defendants’ initial appearance in the matter. State Defendants have not filed an answer or a motion for summary judgment.

PLAINTIFF’S MOTION FOR PARTIAL VOLUNTARY DISMISSAL OF STATE DEFENDANTS UNDER RULE 41 (a)(1)(A)(i) OF FRCP

Considering the motion to dismiss filed by State Defendants and their arguments regarding 11th amendment state sovereign immunity, and without conceding their correctness regarding immunity or the sufficiency of pleading for the Oregon Department of Justice, Plaintiff hereby notifies State Defendants of his voluntary dismissal of his claims for monetary damages. Because State Defendants have not filed an answer or a motion for summary judgment, Plaintiff can voluntarily dismiss opposing parties. Fed. R. Civ. P. 41(a)(1)(A)(i). Plaintiff’s voluntary dismissal is a dismissal without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

Plaintiff maintains his claims against the United States of America, Samuel Troy Landis,

////

///

//

/

/

the Drug Enforcement Administration, the Salem Police Department, and the City of Salem.

CONCLUSION

Based on the foregoing, Plaintiff respectfully requests that the Court grant its Motion for Partial Voluntary Dismissal.

Dated this 26th day of March, 2025.

SWANSON, LATHEN, PRESTWICH, P.C.

By: /s/Brian N. Lathen
Brian N. Lathen, OSB #043374
Attorney for Plaintiff
e-mail: blathen@slamlaw.com
FAX: 503.588.7179

CERTIFICATE OF SERVICE

I certify that on March 26, 2025, I served the foregoing PLAINTIFF'S MOTION FOR PARTIAL VOLUNTARY DISMISSAL upon the State Defendants by the method indicated below, and addressed to the following:

drew.baumchen@doj.oregon.gov
Drew K. Baumchen, OSB #045032
Senior Assistant Attorney General
100 SW Market Street
Portland, OR 97201
Attorney for State Defendants

aaron@capitol.legal
beth@capitol.legal
Aaron P. Hisel, OSB #161265
Elizabeth A. Jones, OSB #201184
Capitol Legal Services
901 Capitol St. NE
Salem, OR 97301
*Attorneys for Defendants City of Salem
and Salem Police Department*

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 TELECOPY (FAX)
 E-MAIL
 E-SERVE

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 TELECOPY (FAX)
 E-MAIL
 E-SERVE

s/ Brian Lathen

Brian Lathen, OSB #043374

blathen@slamlaw.com

FAX: 503.588.7179

Attorney for Plaintiff